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ABSTRACT

Regulations for sick leave and substitute teachers, adopted by the North Carolina State Board of Education, are presented in outline form. Sick leave regulations provide for sick leave eligibility, sick leave earned, leave charges, sick leave accumulation, advancement of sick leave, verification of sick leave, repayment of excessive leave, temporary disability, and reinstatement of accumulated sick leave. Substitute teacher regulations provide for teacher definition, employment and pay of substitute teachers, payroll data, absence with pay, and vacancy in teaching positions. Regulations are also presented for absence without pay in special categories, military leave, and absence codes. (FWR)

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ABSENCE CODES

EFFECTIVE JULY 1, 1984

ABSENCE CODES	DESCRIPTION	PAY STATUS
1	Sick Leave - Personal Illness and Other	No Deduction
3	Absence for Sick Leave - Personal Illness in Excess of Sick Leave Provisions	$30 Deduction
4	Other Absences with No Deduction	No Deduction
5	Other Absences With Deduction	$30 Deduction
6	Personal Leave	$30 Deduction
7	Absence Without Pay	Days Pay Deduction

.0424 SICK LEAVE REGULATIONS FOR ALL SCHOOL EMPLOYEES

(a) Sick leave may be granted for:

(1) Actual period of temporary disability caused or contributed to by any personal illness, injury or other temporary disability which prevents an employee from performing his or her usual duties.

In accordance with Title VII's policy on equal employment opportunity, female employees shall not be penalized in their condition of employment because they require time away from work caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery. On the other hand, this leave will be treated in the same manner as any other temporary disability.

(2) Illness in the employee's immediate family that necessitates the employee's attendance. Immediate family is defined as spouse, children, parents, and other dependents living in the household.

(3) Death in the immediate family. Immediate family is defined as spouse, children, parents, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather.

(4) Medical appointments for employee only.

The length of leave granted for .0424 (a)(2) and (a)(3) is determined by local administration and based on individual employer need.

(b) Sick Leave Earned

(1) All employees referred to in this regulation who are in pay status for one-half or more of the regularly scheduled work days in any monthly pay period shall earn sick leave computed at the rate of one (1) day per month.

(2) Part-time employees employed for 50 percent (50%) or more in a full-time position may earn and use sick leave equated to their percentage of employment. Part-time employees previously employed in a full-time position retain the balance of sick leave earned in that position in prior years on transferring to a part-time position.

(c) Leave Charges

The minimum sick leave time which may be taken is

one-half of one day in any given workday. Only sick leave taken on actual workdays shall be charged in calculating the amount of sick leave taken.

(d) Sick Leave Accumulation

Sick leave is accumulated indefinitely and is transferable between administrative units, between administrative units and state agencies, and between administrative units and community colleges or technical institutes in accordance with the following:

(1) The policy on the transfer of sick leave was revised effective April 1, 1973, whereby employees subject to the Personnel Act may transfer sick leave or any portion of sick leave from a state agency to a public school, community college or technical institute; and a public school, community college, or technical institute employee may transfer sick leave to a state agency if employed in a position that is subject to the Personnel Act when such transfer is deemed acceptable by the head of the employing agency or the local school administrative unit, community college, or technical institute.

(2) An employee who transferred from a public school, community college, or a technical institute to a state agency or vice versa shall be credited with any sick leave which he or she had at the termination of employment with the public school, community college, or technical institute or state agency provided that his or her employment was continuous and the change of employment occurred on or after July 1, 1967.

(3) Employment will be considered continuous if a public school, community college, or technical institute employee accepts other employment with a state agency any time after the end of the academic year and before the beginning of the next academic year.

(e) Advancement of Sick Leave

Employees may have advanced to their credit at the beginning of each year the number of days of sick leave that may be earned during the current year. The decision to advance sick leave within these defined limits will be considered an administrative one for which the superintendent of the administrative unit must assume full responsibility.

(f) Verification of Sick Leave

The superintendent may require a statement from a medical doctor or other acceptable proof that the

employee was unable to work to the end that there will be no abuse of sick leave privileges.

(g) Repayment for Excessive Sick Leave

Should the employee separate from service before earning all sick leave used, deductions must be made from the final salary check for the total unearned sick leave used.

(h) Temporary Disability

(1) Whenever possible, and particularly in the case of temporary disability connected with elective medical or surgical procedures or maternity, employees shall give 30 days advance notice of plans to take sick leave and where applicable the some notice shall be given for family leave.

(2) When the period of temporary disability does not exceed thirty (30) working days, the employee shall be reinstated in his or her position at the termination of the period of temporary disability. When the period of temporary disability exceeds thirty (30) working days, the local superintendent shall determine when the employee is to be reinstated, based on a consideration of the welfare of the students and the need for continuity of instruction. Disapproval shall be in writing to employee with stated reasons.

(i) Reinstatement of Accumulated Sick Leave

A former employee shall be credited with all sick leave accumulated up to the time of separation provided that the employee is reinstated within thirty-six (36) calendar months from the date of separation.

(j) The Controller's Office of the State Board of Education shall establish procedures necessary for reporting and accounting for sick leave.

.0425 SUBSTITUTE TEACHER REGULATIONS

(a) Teacher Definition

The term "teacher" as used herein includes all teachers - academic, exceptional child, vocational, librarian, and assistant principals and principals who regularly teach one (1) or more classes. The local superintendent shall determine the need to employ a subsitute for a non-teaching assistant principal, principal and/or supervisor. A substitute employed for a non-teaching assistant principal, principal and/or supervisor shall be paid from local funds.

(b) Employment and Pay of Substitute Teachers

Local boards of education shall employ substitute teachers. Substitute teachers shall be classified for pay purposes in accordance with the following criteria:

(1) Qualified for thirty dollars ($30.00) per day. A substitute teacher qualified for thirty dollars ($30.00) per day is a holder of a teacher's certificate, a college graduate or one who has been evaluated by a local board of education and determined to be capable of performing substitute teaching duties.

(2) Qualified for less than thirty dollars ($30.00) per day. A substitute teacher qualified for less than thirty dollars ($30.00) per day is any individual who does not meet the criteria set forth in (1) of this section. An individual in this category may be employed as a substitute teacher only in hardship situations with approval of the school principal. This substitute teacher shall be paid at the state minimum hourly wage.

(3) Aides - Teacher aides shall not be paid as substitute teachers.

(c) Salary and Method of Payment of Substitute Teachers

The salary of a substitute teacher qualified for thirty dollars ($30.00) per day shall be fifteen dollars ($15.00) when the regular teacher is charged with an absence of one-half of one day and thirty dollars ($30.00) when the regular teacher is charged with an absence of one day. The salary of a substitute teacher qualified for less than thirty dollars ($30.00) per day shall be at the state minimum hourly wage for one day or one-half day. Payment to a substitute teacher shall be equated between the source of funds at the same percentage as the regular teacher is paid except when otherwise stated.

(d) Payroll Data

A Monthly Payroll Data Sheet (Form 18AA-210) prepared and signed by the principal shall be filed with the superintendent of the administrative unit for each school on forms prepared or approved by the Controller.

(e) Absence with Pay

A substitute teacher employed when the regular teacher is absent shall be paid from the same source of funds as the regular teacher is paid except when otherwise specifically stated.

(1) Sick Leave

Regular teachers shall be allowed to receive pay during absence in accordance with the provision of .0424 (a).

(2) Sick Leave - Personal Illness in Excess of Sick Leave Provisions

For absences due to personal illness in excess of sick leave provisions, pay shall be allowed by the superintendent of the administrative unit for one or more days up to twenty (20) teaching days in a school year. The superintendent shall determine whether a doctor's certificate or other acceptable proof is required. After the twenty (20) day period, the employee shall be placed on leave of absence without pay for a period of up to eighteen (18) calendar months. Teachers absent for reason three (3) shall receive full salary during the days absent less thirty dollars ($30.00) or the daily rate of pay, whichever is less, for each working day so absent.

(3) Other Absences with No Deduction

(A) Community Responsibilities - Absences may be granted for community responsibility as approved by the superintendent of the administrative unit for such purposes as the funeral of a school child or parent or representing the school or school administrative unit. Teachers absent for these purposes shall be entitled to full salary during the days absent. Proper provision shall be made for the continuation of the regular teacher's classwork during such absences by making satisfactory arrangements within the school. Substitute teachers shall not be paid from state funds.

(B) Approved Meetings or Assignments - No deduction shall be made from the salary of a person when absent from school for attendance at meetings and/or the performance of assignments for the following groups: members of the State Board of Education, State Textbook Commission, or members appointed to a commission or committee by the Governor, State Superintendent, State Board of Education or authorized by the General Assembly. A substitute teacher employed for this reason shall be paid from state funds.

(C) Civil Leave

(i) Jury Duty - No deduction is to be made from the salary of a teacher when absent from school to serve on a jury. The teacher is entitled to his or her regular compensation plus fees received from jury duty.

(ii) Court Attendance - No deduction is to be made from the salary of a teacher when absent from school to attend court in connection with his or her official duty. Deductions shall be made when appearing in court as a plaintiff or defendant in personal matters. Any fees received as a

witness when serving in an official capacity shall be turned in to the school administrative unit for which he or she works to be refunded to the same fund from which the individual is paid.

(iii) No deduction is to be made from the salary of a teacher when absent from school when subpoenaed or directed by proper authority to appear as a witness for another individual. Any fees received shall be turned in to the administrative unit for which he or she works to be refunded to the same fund from which the individual is paid.

(D) Members of the Board of Governors of the Governor's Schools

No deduction is to be made from the salary of a teacher who is a member of the Board of Governors of the Governor's Schools when absent from school for attendance at Board meetings or assignments. A substitute teacher employed for this reason shall be paid from state funds.

(E) Members of the Professional Review Committee on the Public School System of North Carolina

No deduction is to be made from the salary of a teacher who is a member of the Professional Review Committee on the Public School System of North Carolina for attendance at committee meetings. A substitute teacher employed for this reason shall be paid from state funds.

(F) Teachers Participating in In-Service School Projects Conducted By School Administrative Units

No deduction is to be made from the salary of teachers when absent on assignment by their superintendents to an in-service school project conducted by the administrative unit. Proper provision shall be made for the continuation of the regular teacher's classwork during such absence either by the employment of a substitute teacher or by making satisfactory arrangements within the school. A substitute teacher employed for this reason shall be paid from local funds.

(G) Suspension with Pay

If a superintendent believes that cause may exist for dismissing or demoting a probationary or career teacher for any reasons specified in G.S. 115C-325 (e)(1)b through G.S. 115C-325 (e)(1)j, and that additional investigation of

the facts is necessary and circumstances are such that the teacher should be removed immediately from his or her duties; the superintendent may suspend the teacher with pay for a reasonable period of time not to exceed ninety (90) days. The definition of a teacher within this section includes personnel covered under the definition as specified under .0425 (a). A person employed to replace the employee suspended shall be paid a salary based on the replacement's certification and shall be paid from the same source of funds as the individual suspended. The Controller's Office shall be notified of the suspension and the replacement person employed.

(H) Military Leave - No deduction is to be made from the salary of a teacher absent for military leave within the limitations set forth in Section .0426 (b) (c) (d) and (h).

(I) Teachers Injured During Episode of Violence - In accordance with General Statutes 115C-338, no deduction is to be made from the salary of teachers when absent from school as a result of any injury or disability received while engaged in the course of employment and arising out of any episode of violence by one or more persons.

(J) Observance of Bona Fide Religious Holidays - Absence from school for bona fide religious holidays may be allowed for a maximum of two (2) days within any one (1) school year with prior approval from the superintendent.

The teacher must agree to make up the amount of time for which his or her absence has been excused. The superintendent, in consultation with the teacher, shall designate such religious holidays, provided that such days are not already scheduled as vacation or other holidays in the school calendar. The designation of annual leave day(s) immediately following the last day of regularly scheduled classes for students for that school year shall be presumed to be reasonable. Any such absence shall be with full pay.

(4) Other Absences with Deductions

(A) Professional Responsibility and Attendance At a Professional Meeting

For absences approved by the superintendent of the administrative unit, pay with substitute

deduction will be allowed for a period not exceeding at one time three (3) days for in-state meetings or five (5) days for out-of-state meetings and not exceeding a total of ten (10) days for the school year. The limitation of days set out above shall not apply to a person who is a local or district president or president-elect or any state or national officer of a educational professional association, or to a person selected as National Teacher of the Year from this state. Disapproval shall be in writing to employee with stated reasons. The Controller of the State Board of Education shall make the decision about the eligibility of the educational professional association upon request.

(B) Community Responsibility - Absences may be granted for community responsibility as approved by the superintendent of the administrative unit for such reasons as the funeral of a school child or a parent, or representing the school or school administrative unit. Proper provision shall be made for the continuation of the regular teacher's classwork during such absences.

(C) Teachers absent for this reason shall receive full salary during the days absent less thirty dollars ($30.00) or the daily rate of pay, whichever is less, for each work day absent.

(5) Personal Leave

Two (2) days of personal leave are earned by each teacher each year and are accumulated from year to year for a maximum of five (5) days to be effective starting with the two (2) days allowed for the year 1973-74. This leave is transferable between administrative units.

(A) Based on a request being made at least five (5) days in advance of the date(s) desired, personal leave shall be granted to a teacher without the teacher having to divulge a reason, provided such leave is not the first day teachers are required to report for the school year, the day before or the day after holidays or scheduled vacation days. The principal shall handle necessary exceptions on an individual basis.

Personal leave shall not be allowed in excess of the earned number of days as defined and should be used with due and proper consideration given to the welfare of the students and teachers alike.

(B) A former teacher shall be recredited with all personal leave that was accumulated up to the time of separation provided that the teacher is re-employed as a teacher within thirty-six (36) calendar months from the date of separation.

(C) Teachers absent for this reason shall receive full salary during the days absent less thirty dollars ($30.00) or the daily rate of pay, whichever is less, for each working day absent.

(f) Absence without Pay

A regular teacher who is absent on scheduled workdays for any cause other than those enumerated in Section .0425(e) shall not be entitled to receive salary payment for those days.

(g) Vacancy in Teaching Position

(1) Pay to Regular Teacher - If a teaching position is vacated during the school year by the regular teacher, such teacher shall be entitled to receive their regular salary for the actual days employed during the current month with adjustments due to unused or overdrawn leave time and that portion of any longevity pay that is due.

(2) Pay to Interim Teacher - If a vacancy in a teaching position occurs and a new regular teacher is not immediately available to fill the teaching position, and an interim teacher is employed, the interim teacher:

(A) If serving for ten (10) teaching days or less, shall be reported and paid in the same manner as a substitute teacher.

(B) If serving more than ten (10) consecutive teaching days, shall be paid for the entire time employed on the basis of the interim teacher's certified salary rating.

(C) If the interim teacher requests to be paid on the basis of a substitute teacher's pay instead of being paid on the basis of their certified salary rating, this is permissible.

.0426 LEAVE OF ABSENCE WITHOUT PAY

(a) Military Leave - A regular teacher shall be granted a leave of absence without pay as provided under Section .0427 of these regulations.

(b) Family Leave - A regular teacher, male or female, shall be granted a leave of absence without pay up to one (1) calendar year at the birth or adoption of a child.

(c) Reasons Other Than Military Leave, Family Leave, or Personal Illness In Excess of Sick Leave - A regular teacher may be granted a leave of absence without pay for periods as granted in the discretion of the superintendent and in accordance with rules and regulations that may be adopted by the governing board of the administrative unit. Extended leaves of absence may be granted in accordance with adopted local rules and regulations.

(d) If a leave of absence is granted to a regular teacher for items 1, 2, and 3 above, the name of the new regular teacher shall be listed on the Operating Budget and paid in accordance with their certified salary rating.

(e) Length and Timing of Absence - Whenever possible, teachers shall give advance notice of requests for leaves of absence. Local boards of education may adopt rules establishing procedures for giving such notice. With the exception of military leave, the local board may determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of instruction. Once the leave period has been determined, it cannot be changed except by agreement of both the teacher and the local board.

.0427 MILITARY LEAVE

(a) Leave with pay shall be granted to members of Reserve Components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. Reserve Components of the U.S. Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve. The Civil Air Patrol is not a Reserve Component; it is an Air Force Auxiliary and its members are not subject to obligatory service. The National Guard is unique among the Reserve Components in that it has a dual role, serving both as a Federal Reserve Component and as the State Militia. In its role as State Militia, the North Carolina Army National Guard and the North Carolina Air National Guard respond to the Governor who is their Commander-in-Chief and serve as the military arm of the State Government. Therefore, the National Guard is subject to active state duty upon order of the Governor.

(b) Periods of Entitlement for National Guard Members and Other Reserve Components

Military leave with pay shall be granted to full-time or part-time permanent, provisional, and probationary employees for the following periods of service:

(1) Annual active duty for training (commonly referred to as summer camp, field training, etc.) to include related activities such as advance or rear detachments; command and staff visits when elements of the same organization have annual active duty for training at different times. Leave with pay shall not exceed twelve (12) workdays in any one (1) year; any additional time required shall be treated as military leave-without-pay.

(2) Unannounced practice alerts that occur on an employee's normal workday.

(3) Attendance at service schools in lieu of annual active duty for training; a maximum of twelve (12) workdays of military leave with pay may be granted for this purpose.

(c) National Guard Is Entitled in Addition to The Above:

(1) Infrequent special activities in the interest of the state, usually not exceeding one (1) day, when so ordered by the Governor.

(2) Active state duty (domestic disturbances, disasters, search and rescue, etc.) for periods not exceeding thirty (30) consecutive calendar days; for periods in excess of thirty (30) days, employees shall be entitled to military leave with differential pay between military pay and regular state pay if military pay is the lesser; military leave for active state duty is to be considered separate from and in addition to military leave which may be granted for other purposes.

(d) Periods of Entitlement for Civil Air Patrol

When performing missions or encampments authorized and requested by the U.S. Air Force or emergency missions for the state at the request of the Governor or the Secretary of Military and Veterans' Affairs, not to exceed a combined total of twelve (12) workdays of military leave in any calendar year unless otherwise authorized by the Governor. Such service may be verified by the Secretary of the Military and Veterans' Affairs upon request of the superintendent.

(e) Unacceptable Periods

Employees shall not be entitled to military leave for the following periods:

(1) Regularly scheduled unit assemblies usually occurring on weekends and referred to as "drills"; although these periods are unacceptable for military leave with pay, the employing agency shall make every effort to reschedule affected employees' duties in order not to penalize them and to allow them to satisfactorily perform their military duties.

NOTE: A practice alert of which the employee had no prior knowledge is a scheduled unit assembly for which the employee is entitled to military leave with pay.

(2) Duties resulting from disciplinary actions imposed by military authorities.

(3) For unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.

(4) For inactive duty training (drills) performed for the convenience of the member, such as Equivalent Training (ET) or make-up drills.

(f) Administrative Responsibility

The superintendent may require the employee to submit a copy of his or her orders or other appropriate documentation evidencing performance of required military duty.

(g) Retention and Continuation of Benefits

During the period of military leave with pay, no employee shall incur any loss of state service or suffer any adverse service rating. The employee shall continue to earn and accumulate sick and annual leave, earn time toward his or her next increment, and receive any increment for which he or she might be eligible.

(h) Leave for Physical Examination for Military Service

An employee shall be granted necessary time off when required to undergo a physical examination relating to military service.

(i) Military Leave with Differential Pay

Military leave with differential pay between military pay and regular state pay, if military pay is the lesser, shall be granted for:

(1) Full-time training duty (FTTD) in support of the North Carolina Military Academy, upon order of the North Carolina Adjutant General. This is an infrequent requirement which is placed upon a few individuals because of a particular skill or specialty.

(2) Active state duty for periods in excess of thirty (30) consecutive calendar days.

These rules shall be effective from July 1, 1984, until amended or repealed by the State Board of Education.

History Note: Statutory Authority G.S. 115C-1; 115C-28